

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-12-00441-CR

Juan Lucas Garcia, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 426TH JUDICIAL DISTRICT
NO. 68903, HONORABLE MARTHA J. TRUDO, JUDGE PRESIDING**

MEMORANDUM OPINION

This is an appeal pursuant to *Anders v. California*, 386 U.S. 738 (1967). Appellant Juan Lucas Garcia pleaded guilty to the offense of aggravated assault with a deadly weapon and was placed on deferred-adjudication community supervision for seven years. Subsequently, the State filed a motion to adjudicate, alleging that Garcia had violated the terms and conditions of his community supervision by, among other things, using drugs and failing to report to his community-supervision officer as ordered.

At the hearing on the motion to adjudicate, Garcia pleaded true to the State's allegations and testified in his defense. Garcia claimed that he had "tried" to comply with the conditions of his community supervision but that certain circumstances had prevented him from doing so. These circumstances included difficulty in finding a place to live, "stress," and weather conditions and transportation issues that, according to Garcia, made it difficult to meet with his probation officer. No other witnesses testified at the hearing. At the conclusion of the hearing, the

district court found the State's allegations to be true, adjudicated Garcia guilty of the underlying offense of aggravated assault with a deadly weapon, and sentenced him to ten years' imprisonment. This appeal followed.

Garcia's court-appointed attorney has filed a motion to withdraw supported by a brief concluding that the appeal is frivolous and without merit. The brief meets the requirements of *Anders v. California* by presenting a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. See 386 U.S. at 744-45; see also *Penson v. Ohio*, 488 U.S. 75 (1988); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978); *Currie v. State*, 516 S.W.2d 684 (Tex. Crim. App. 1974); *Jackson v. State*, 485 S.W.2d 553 (Tex. Crim. App. 1972); *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969). Garcia was mailed a copy of counsel's brief and advised of his right to examine the appellate record and to file a pro se brief. No pro se brief has been filed.

We have reviewed the record and counsel's brief and agree that the appeal is frivolous and without merit. We find nothing in the record that might arguably support the appeal. Counsel's motion to withdraw is granted.

The judgment of conviction is affirmed.

Bob Pemberton, Justice

Before Justices Puryear, Pemberton and Rose

Affirmed

Filed: March 22, 2013

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